

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAMION NEAL-EL,)
Plaintiff,) Civil Action No. 7:16cv00420
)
)
v.)
)
HAROLD CLARKE, et al.,) By: Elizabeth K. Dillon
Defendants.) United States District Judge
)

MEMORANDUM OPINION

Plaintiff Damion Neal-el, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The defendants filed motions to dismiss, and the court issued notices pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005) on June 5, 2017, and September 8, 2017. The notices gave Neal-el twenty-one days to file a response to the motions and advised him that, if he did not respond, the court would “assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant[s] state[] in their responsive pleading(s).” The notices further advised Neal-el that, if he wished to continue with the case, it was “necessary that plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, “the court may dismiss the case for failure to prosecute.” Neal-el did not respond to either of the motions to dismiss. Therefore, Neal-el’s complaint will be dismissed without prejudice for failure to prosecute.

An appropriate order will be entered.

Entered: October 12, 2017.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge